

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 3344

By: Christian

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5  
6 AS INTRODUCED

7 An Act relating to intoxicating liquors; amending 37  
8 O.S. 2001, Section 514, which relates to the ABLE  
9 Commission; expanding the disciplinary powers of the  
ABLE Commission; allowing recoupment of certain  
costs; and providing an effective date.

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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 37 O.S. 2001, Section 514, is  
14 amended to read as follows:

15 Section 514. The Alcoholic Beverage Laws Enforcement Commission  
16 shall have the following powers and duties:

17 1. To supervise, inspect, and regulate every phase of the  
18 business of manufacturing, importing, exporting, transporting,  
19 storing, selling, distributing, and possessing for the purpose of  
20 sale, all alcoholic beverages which shall be necessary and proper to  
21 carry out the purposes of the Oklahoma Alcoholic Beverage Control  
22 Act;

1        2. To promulgate rules and regulations, in the manner herein  
2 provided, to carry out the purposes of the Oklahoma Alcoholic  
3 Beverage Control Act;

4        3. To have the sole authority to issue any license provided for  
5 in the Oklahoma Alcoholic Beverage Control Act;

6        4. To refuse to issue any license provided for in the Oklahoma  
7 Alcoholic Beverage Control Act for cause provided for in said act;

8        5. To revoke ~~or~~, suspend, reprimand, fine or take whatever  
9 disciplinary action it deems appropriate, for cause after hearing,  
10 against any license issued under the authority of the Oklahoma  
11 Alcoholic Beverage Control Act, which shall include the power to  
12 assess costs against a respondent in order to recoup investigative  
13 and administrative costs incurred by the Commission in connection  
14 with the administrative hearing;

15        6. To prescribe the forms of applications for licenses and the  
16 information to be shown thereon, and of all reports which it deems  
17 necessary in administering the Oklahoma Alcoholic Beverage Control  
18 Act;

19        7. To fix standards, not in conflict with those prescribed by  
20 any law of this state or of the United States, to secure the use of  
21 proper ingredients and methods of manufacture and dispensing of  
22 alcoholic beverages;

23        8. To make seizures of alcoholic beverages manufactured, sold,  
24 possessed, imported, or transported in violation of the Oklahoma

1 Alcoholic Beverage Control Act, and apply for the confiscation  
2 thereof whenever required by said act, and cooperate in the  
3 prosecution of offenders before any court of competent jurisdiction;

4 9. To submit to the Governor and members of the State  
5 Legislature annual or semiannual reports upon request of the  
6 Governor;

7 10. To inspect or cause to be inspected any premises where  
8 alcoholic beverages are manufactured, stored, distributed, sold,  
9 dispensed or served;

10 11. In the conduct of any hearing authorized to be held by the  
11 ABLE Commission, to examine or cause to be examined, under oath, any  
12 person, and to examine or cause to be examined books and records of  
13 any licensee; to hear testimony and take proof material for the ABLE  
14 Commission's information and the discharge of its duties hereunder;  
15 to administer or cause to be administered oaths; and for any such  
16 purposes to issue subpoenas for the attendance of witnesses and the  
17 production of books or records which shall be effective in any part  
18 of the state; and any district court or any judge thereof, either in  
19 term or vacation, may by order duly entered require the attendance  
20 of witnesses and the production of relevant books or records  
21 subpoenaed by the ABLE Commission, and the court or judge may compel  
22 obedience to its or his order by proceedings for contempt;

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1       12. To prescribe the kind and size of retail containers of  
2 alcoholic beverages other than beer which may be purchased,  
3 possessed and sold by a licensee;

4       13. To prescribe by regulations, in addition to those herein  
5 required, the kinds of records to be kept and reports to be rendered  
6 by licensees, and the information to be shown therein; provided,  
7 that the period for which all such records and reports be retained  
8 shall not be less than five (5) years;

9       14. To gather, compile and print such statistical data as may  
10 in the opinion of the ABLE Commission be needed or useful, and  
11 prescribe charges or fees to be collected from any person or company  
12 to whom such data shall be provided. No reports shall contain sales  
13 information of either wholesalers, retailers, mixed beverage  
14 licensees, caterers or special event licensees by name or license  
15 number;

16       15. To educate persons employed by licensees to serve alcoholic  
17 beverages as to the provisions of Article XXVIII of the Oklahoma  
18 Constitution and the Oklahoma Alcoholic Beverage Control Act, with  
19 emphasis on recognizing and preventing intoxication and particular  
20 emphasis on those provisions prohibiting the serving of alcoholic  
21 beverages to minors. The ABLE Commission may contract with one or  
22 more persons to perform the duties specified in this paragraph; and

23       16. To exercise all other powers and duties conferred by the  
24 Oklahoma Alcoholic Beverage Control Act, and all powers incidental,

1 convenient or necessary to enable it to administer or carry out any  
2 of the provisions of the Oklahoma Alcoholic Beverage Control Act.

3 SECTION 2. This act shall become effective November 1, 2010.

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